

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Ricardo Sibrian, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Cento Fine Foods, Inc.,

Defendant.

Case No. 2:19-cv-00974-JS-GRB

**DECLARATION OF
DANIEL S. TYLER**

I, Daniel S. Tyler, of sound and competent mind and being over the age of eighteen, hereby declare the following based upon my personal knowledge:

1. My name is Daniel S. Tyler, and I am a licensed attorney in good standing in the State of Illinois. I am an attorney at the law firm of Amin Talati Wasserman, LLP, located at 100 S. Wacker Drive, Suite 2000, Chicago, Illinois 60606. I am an attorney of record for the Defendant, Cento Fine Foods, Inc. ("Cento" or "Defendant") in this civil action, and I make and submit this declaration in connection with Defendant's Motion to Dismiss, or in the Alternative, Strike Portions of Plaintiffs' First Amended Complaint.

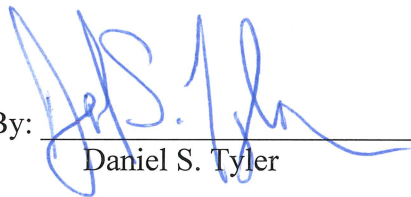
2. I have first-hand knowledge of the facts set forth herein, or have learned these facts first hand, and if called and sworn as a witness, I could and would testify competently and from personal knowledge as to these facts.

3. Attached hereto as **Exhibit A** to this Declaration is a true and correct copy of the English translation of the Agri-Cert certification held by Defendant for the growth, production, canning and traceability of the Cento San Marzano Certified Peeled Tomato Products.

4. Attached hereto as **Exhibit B** to this Declaration is a true and correct copy of an abandoned trademark application by the Cosorzio di Tutela Del Pomodoro S. Marzano Dell' Agro Sarnese Nocerino (and Notice of Abandonment) for the mark "Pomodoro San Marzano Dell-Agro Sarnese Nocerino" (Serial No. 85581273), which, had it become a registered trademark, would have disclaimed the exclusive right to use "Pomodoro San Marzano" apart from the mark as shown.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Chicago, Illinois on November 8, 2019.

By: 
Daniel S. Tyler